

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON L. SANDERS, # 305405,)	
)	
Plaintiff,)	Case No. 1:11-cv-892
)	
v.)	Honorable Robert Holmes Bell
)	
DENNIS GRANDY, et al.,)	<u>REPORT AND RECOMMENDATION</u>
)	
Defendants.)	
)	

This is a civil rights action brought *pro se* by a state prisoner under 42 U.S.C. §1983. This lawsuit arises out of plaintiff's confinement in 2010 at the Ionia Maximum Correctional Facility (ICF). Plaintiff's remaining claims are as follows: an Eighth Amendment claim against defendants Jennifer Gagne, Ruth Finnerty, Dena Andrews, Dennis Grandy, Donald King, Christopher King, and Ramon Bronson based on the alleged use of excessive force and failure to intervene on February 3, 2010, and a First Amendment retaliation claim against Jennifer Gagne based on the plaintiff's allegations that on February 11, 2010, Gagne threatened him and posted a note to his cell door related to the alleged threat. Plaintiff sues all defendants in their individual capacities and seeks an award of damages.

The matter is before me on plaintiff's motion for partial summary judgment "as to the liability of Defendants Willie O. Smith, Erica Huss, Ronald Emby, Leslie Beak, John Kelly, Aaron Sherk, [Jennifer] Gagne, Jeremy Smith, Brian Chaffee, [Consuelo] Figueroa, [Mario] Cunningham, and Paul Gorman." (docket # 84). All plaintiff's claims against the listed defendants other than defendant Gagne have been dismissed. Further, plaintiff is seeking summary judgment as to

Gagne's liability on a claim regarding the condition of his cell which was dismissed on March 31, 2015. Plaintiff presents no developed argument regarding any claim that remains at issue in this lawsuit.

Recommended Disposition

For the foregoing reasons, I recommend that plaintiff's motion (docket # 84) be denied.

Dated: August 3, 2015

/s/ Phillip J. Green

United States Magistrate Judge

NOTICE TO PARTIES

Any objections to this Report and Recommendation must be filed and served within fourteen days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). All objections and responses to objections are governed by W.D. MICH. LCivR 72.3(b). Failure to file timely and specific objections may constitute a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Branch*, 537 F.3d 582, 587 (6th Cir.), *cert. denied*, 129 S. Ct. 752 (2008); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006). General objections do not suffice. *Spencer v. Bouchard*, 449 F.3d 721, 724-25 (6th Cir. 2006); *see Frontier*, 454 F.3d at 596-97; *McClanahan v. Comm'r of Social Security*, 474 F.3d 830, 837 (6th Cir. 2006)